IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2713 OF 1994

Mahanager Telephone
Nigam Limited .... Plaintiffs.

V/s

Smt. Mumtaz Abdul Rehman .... Defendant.

Ms. Jyoti R. Thakkar for plaintiffs.
None for defendant.

CORAM: V.M. KANADE, J.
DATE : 9th September, 2009

P.C.:

1. Heard the learned Counsel appearing on behalf of plaintiffs.

2. In view of the judgment of the Apex Court in Telecom District Manager, Goa and others vs. V.S. Dempo & Co. and others reported in **AIR 1996 SC 1545** this matter will have to be referred to arbitrator as per provisions of amended section 7-B of the Indian Telegraph Act, 1885. In view of the amendment in the Telegraph Act and incorporation of section 7-B, if any dispute concerning any telegraph and telegraph

authority and the person for whose benefit the line, appliance or apparatus, is, or has been, provided, the dispute shall be determined by arbitration. In view of the ratio of the judgment of the Apex Court in Telecom District Manager, Goa & Others (supra), plaintiffs shall refer the matter to arbitration and the same shall be decided in accordance with law.

3. Accordingly, Mahanagar Telephone Nigam Limited, Mumbai shall move the Central Government expeditiously for the appointment of an arbitrator, having regard to the provisions of Section 7-B and the judgment of the Supreme Court. The claim in the suit shall be referred to arbitration upon the appointment of an arbitrator by the Central Government in terms of Section 7-B. Mahanagar Telephone Nigam Limited shall move the competent authority of the Central Government. The Central Government shall issue a notification appointing an arbitrator within a period of eight weeks from today. The arbitrator shall conclude the arbitration proceedings expeditiously and in any event not later than six months from the date on which he enters upon arbitration or from the date on which parties are expected to make their first appearance before the arbitrator whichever is earlier. All the questions that have been raised in the suit will be decided in the course of the

arbitration proceedings in accordance with law and all the rights and contentions of the parties are kept open.

4. The suit shall accordingly stand disposed of in terms of the reference to arbitration.

5. There shall be refund of court fees, if any, in accordance with rules.

(V.M. KANADE, J.)